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No. 282

In the Supreme Court of the United States

OCTOBER TERM, 1929

UNITED STATES OF AMERICA, APPELLANT

v.

D. D. ADAMS

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF ARKANSAS

STATEMENT OF JURISDICTION

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STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court appellant submits herewith its statement showing the basis of this Court's jurisdiction in the above-entitled cause.

A

STATUTORY PROVISIONS

The statutory jurisdiction of this Court to review by direct appeal the judgment here complained of is found in the Act of March 2, 1907 (c. 2564, 34 Stat. 1246; U. S. C. Title 18, Sec. 682), otherwise known as the Criminal Appeals Act, and Section 238 of the Judicial Code, as amended by the Act of February 13, 1925 (c. 229, 43 Stat. 936, 938; U. S. C. Title 28, Sec. 345).

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B

DATES OF JUDGMENT AND APPLICATION FOR APPEAL

The judgment to be reviewed was entered on June 4, 1929. (R. 28–29.)[1] Petition for appeal was filed on July 1, 1929 (R. 33), and allowed on the same day (R. 32).

C

NATURE OF THE CASE

Count two of the indictment charges appellee with making false entries in a report of condition of a member bank of the Federal Reserve System purporting to show a certain amount due from other banks, when in truth no such sum was due. (R. 4–6.) Appellee filed thereto a "plea of former jeopardy and former acquittal," alleging that he had been tried and acquitted under certain counts of a previous indictment charging false entries of the same sums in the books of the bank, and that as all the entries are based upon the same transactions, only one offense was committed; that the evidence offered at the trial at which he was acquitted is the same evidence required to establish the offense described in the pending indictment. (R. 10–14.) The trial court sustained the plea and dismissed count two of the indictment on the ground that the only difference between the two indicment charges

[1] All references to the record are to the pages of the typewritten record as prepared by the Clerk of the District Court. The record has not yet been printed.

is that "entries were made of the same items in different books or reports." (R. 28–30.)

D

CASES SUSTAINING JURISDICTION

United States v. *Thompson*, 251 U. S. 407.
United States v. *Oppenheimer*, 242 U. S. 85.
United States v. *Barber*, 219 U. S. 72.
United States v. *Goldman*, 277 U. S. 229.

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AUGUST, 1929.

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